83-1434

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ALEXANDER L. STEVAS,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

NO.: _____

MOSES WILLIAMS and MANNIE BLACK,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

ON APPEAL FROM THE DISTRICT COURT OF APPEAL FOR THE THIRD DISTRICT OF FLORIDA

JURISDICTIONAL STATEMENT

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TABLE OF CONTENTS

	PAGE
OPINIONS BELOW	2-3
JURISDICTION	3-4
CONSTITUTIONAL PROVISIONS INVOLVED	4-5
STATEMENT	6-12
THE QUESTION IS SUBSTANTIAL	12-22
CONCLUSION	22-23
CERTIFICATE OF SERVICE	23

TABLES OF AUTHORITIES

Constitutional Provisions

	PAGE
Amendment 1, United States Constitution	1,4,6, 17,20, 22
Amendment 14, United States Constitution	1,5,6, 23

Statutes

Title 28, United States Code, Section 1257	4

Cases

Gonzalez v. Roman Catholic Archbishop of Manila, 280 U.S. 1 (1920)	13,16
Jones v. Wolf, 443 U. S. 595 (1979).....	14
Kedroff v. St. Nicholas Cathedral, 344 U. S. 94, (1952)	13,16, 18,19
Kreskik V. St. Nicholas Cathedral, 363 U. S. 190 (1960)	13,17
Presbyterian Church v. Mary Elizabeth Blue Hall Memorial Presbyterian Church, 393 U. S. 440 (1969)	13,18

Serbian Eastern Orthodox Church v. Milirojevich, 426 U. S. 696 (1976) 13,14 17

St. John's Presbyterian v. Central Presbyterian Church of St. Petersburg, 102 So.2d 714 (Fla. 1958), ... 21

Watson v. Jones, 80 U. S. 679 (1872) 13,15, 19

ADDENDUM

Under the Florida Constitution when a District Court of Appeals renders a per curiam decision, the state District Court of Appeals becomes the state court of last resort, thereby vesting jurisdiction in the U. S. Supreme Court.

QUESTION PRESENTED:

Whether the First and Fourteenth Amendments to the United States Constitution prohibit a state court from overriding the decisions of the governing board of a non-independent church in its selection of minister, requiring the religious institution to hold an election of the congregation in order to determine the leadership and control of the institution and of the church property.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

No. _____

MOSES WILLIAMS and MANNIE BLACK,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

ON APPEAL FROM DISTRICT COURT OF
APPEAL FOR THE THIRD DISTRICT OF FLORIDA

JURISDICTIONAL STATEMENT

OPINIONS BELOW

The opinion of the District Court of Appeal for the Third District of Florida is not reported. The Order of the

aforesaid Court per curiam affirming the Trial Court's decision is attached hereto. (Appendix A-1-2).

JURISDICTION

The judgment of the District Court of Appeal for the Third District of Florida was entered on October 11, 1983, per curiam affirming the Trial Court's Order denying Plaintiff/Appelllant's Motion for Injunctive Relief. This case involves a dispute between the governing body of a religious institution and a factionalized membership of this institution, over control of the church property and leadership of the church. The Trial Court ordered Plaintiffs/Appellants who were the founders, elders and hierarchy of the church to release all church property

within their possession and turn the property over to a minority faction of the church led by an expelled minister of the church. The Court also ordered that an election be held for the selection of a minister and new elders although fully apprised that such an election vitiated the tenets and doctrine of this church and overrided the elders' authority. A judicial declaration on such a matter inhibited the free exercise of religion of the church members.

A Notice of Appeal to this Court (Appendix B-1-3) was filed on February 1, 1984. The jurisdiction of this Court is invoked under 28 USC §1257.

CONSTITUTIONAL PROVISIONS INVOLVED

The First Amendment to the United

States Constitution provides in pertinent part:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .

The Fourteenth Amendment to the United States Constitution provides in pertinent part:

> Nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws . . .

LIST OF PARTIES

All of the parties appearing in

the District Court of Appeals for the Third District of Florida are listed in the caption.

STATEMENT OF THE CASE

The question presented by this case is whether a Court Order requiring a factionalized membership of a church to submit to an election to determine the leadership of the church and the ownership of church property, against the policies of the church hierarchy, and against the church's doctrines and tenets, is a violation of the First and Fourteenth Amendments to the United States Constitution.

The instant suit arose in March of 1983, when the Appellants filed a Verified Complaint for Injunctive Relief, Declaratory Judgment and Damages in the

11th Judicial Circuit In and For Dade County, Florida. (Appendix F-1-21). An emergency hearing on Plaintiff/Appellants' Motion for Preliminary Injunction was held on April of 1983. The basis of the Complaint and the hearing were as follows:

Plaintiffs/Appellants were appointed as elders and the established hierarchical body of the Liberty City Church of Christ in Miami, Florida some thirty years ago. There are in excess of three hundred churches of Christ of this denomination throughout the country, each maintaining a governing body known as the elders. Each church's elders confer regarding church policies and doctrine. The congregation of the Liberty City Church of Christ consists of approximately 200-300 worshippers. The elders were

vested with the authority to make all decisions regarding the welfare of the congregation. The elders hold church finances, select and fire church personnel, including but not limited to the Minister and conduct all church affairs pursuant to this Church's established doctrines and rules.

In May of 1979, just after the death of the previous Minister, the elders appointed a new Minister, FREEMAN T. WYCHE, and entered into a verbal employment agreement with him regarding his tenure at the Church. His continued employment was predicated on satisfactory performance of his duties. The elders were empowered to terminate the Minister's employment upon ninety days notice in the event the Minister should deviate from his

duties.

In March of 1983, having found the Minister's performance to be unsatisfactory, the elders provided the Minister with ninety days notice of his termination. The Minister proceeded to immediately call an unscheduled meeting of congregation members at which time he conducted an unofficial and illegal election and in effect, initiated the elders' ouster and his reinstatement. Appellee had no authority to conduct this election, as elections are against Church doctrine and further Appellee failed to provide the congregation with proper notice for the meeting as is required by Church by-laws.

Nevertheless, Appellee removed the eldership, not only from their positions as elders but from membership in the

Church they had established. He changed the locks of the Church, thus rendering the Church impassable to the elders and those members who were not permitted new keys. Additionally, Appellee confiscated and secreted Church property in his home. This home was Church property provided to the Minister rent-free as a condition of his employment with the Church. The Appellee has refused to vacate the premises, as has his daughter who is residing on the Church parsonage although there have been numerous requests made by the elders that they vacate the premises. Appellee has refused to relinquish his post and continues to act as the Minister of the Liberty City Church of Christ in defiance of the orders of the elders.

The Trial Court heard arguments of

counsel in April of 1983 at which time Appellants sought to return to their positions as elders and continue to hold church funds and dictate church policies.

The Trial Court ordered that Plaintiff/Appelants' Request for Injunctive Relief be denied. The court ordered that Appellants return all funds to Liberty City Church of Christ and to Minister Wyche. The court also ordered that the Church schedule a meeting of eligible members of the Liberty City Church of Christ to determine who shall be selected as the elders of the Church and who shall serve as Minister. Just prior to this election, the elders were not permitted access to the Church. Appellee's conduct caused factions to develop within the Church resulting in spiritual dishar-

mony and encouraging the destruction of a community unity. An election was held by Appellee, MINISTER WYCHE, and the elders were expelled from the Church. No elders have been appointed or elected to date. The established hierarchy in this Church denomination has traditionally, and since the Church's inception, been the elders who are appointed to their positions and may not elected by the congregation.

The Appellants appealed the Trial Court's Order on April 21, 1983. A Notice of Appeal is attached hereto. (Appendix E-1-3). After hearing oral argument of counsel for both parties the District Court of Appeals, Third District per curiam affirmed the lower court's ruling.

THE QUESTION IS SUBSTANTIAL

The questions presented by this appeal are delicate, however, the Court has passed upon them previously. The precedents established by the Court not only do not support the decision of the District Court of Appeals, Third District of Florida, but require its reversal. In analogous situations, on a claim of judicial infringement with the free exercise of religion, this Court has held that substantial federal questions are raised. Watson v. Jones, 80 U. S. 679 (1872); Gonzalez v. Roman Catholic Archbishop of Manila, 280 U. S. 1 (1920); Kedroff v. St. Nicholas Cathedral, 344 U. S. 94 (1952); Presbyterian Church v. Mary Elizabeth Blue Hall Memorial Presbyterian Church, 393 U. S. 440 (1969); Kreskik v. St. Nicholas Cathedral, 363 U. S. 190 (1960); Serbian Eastern Orthodox Church

v. Milirojevich, 426 U. S. 696 (1976); Jones v. Wolf, 443 U. S. 595 (1979). The previous cases cited clearly illustrate that where the dispute involves a hierarchical church or organized body of churches of a similar faith and subject to an established ecclesiastical authority, the State Courts must defer to the hierarchical authority.

The ruling of the ecclesiastical authority must be enforced by the Civil Courts. The highest ecclesiastical authority, or assembly in some religions or clerical superiors in others, is the final arbiter of church doctrine and authority. In the instant case, the elders of each congregation are the ecclesiastical authority. In the present dispute, the Trial Court and the Appellate

Court were required to uphold the authority of this rule-making body.

In Watson v. Jones, supra, a case which involved internal ecclesiastical dissension, the Court was required to determine which of two factions of a church was to lawfully control the church property. The local elders and trustees had been decreed by the State Court to control the property. The Court found that the right to church property insofar as it is dependent on questions of religious doctrine or ecclesiastical law must be settled by the highest tribunal or authority of the religious organization.

The Court's deference to a congregational polity or hierarchical authority has been strengthened by later decisions of the Court.

In the case of Gonzalez v. Roman Catholic Archbishop Manila, supra, the Court disallowed the Civil Court to determine the sufficiency of qualifications of a chaplain of the Roman Catholic Church. Here, a Civil Court could not award the position of a chaplain as it could not disturb the Church authorities' selection. The seletion of a chaplain was an act canonical and therefore, the ruling on ecclesiastical matters by the Church organization could not be reviewed.

In Kedroff v. St. Nicholas Cathedral, supra, the Supreme Court invalidated New York legislation placing control of church property of the Russian Orthodox Church in an autonomous part of that Church in New York, holding that

legislation of this sort violated the principles of the First Amendment, the free exercise clause by interfering with the control and decisions of the ecclesiastical authority. Here the Court found that the State must accept the decisions of the highest formal authorities of the Church when it resolves disputes surrounding control of Church property. This is true even in the absence of legislation, for Civil Courts have no more power to review the decisions of a Church than does the legislature. Keskik v. St. Nicholas Cathedral, supra, the Court once again reaffirmed its position regarding state interference, where in Serbian Eastern Orthodox Church v. Milirojevich, supra, the Court ruled that any review of the jurisdiciton of the general Church

authorities or whether they acted in conformity with the Church laws would result in undue interference with freedom of religion. State Courts must refrain from ruling contrary to the church hierarchy unless their decision is clearly based on principles which have no reference to religious doctrines or rulings.

The Court has consistently advocated and upheld the traditional American doctrine of freedom of religion and the separation of Church and State carries with it the freedom of the Church from having its doctrines or beliefs deprived, interpreted or censored by Civil Courts. Presbyterian Church v. Mary E. B. Hall Memorial Presbyterian Church, 393 U. S. 444 (1969). As stated by the court in its opinion in Kedroff v. St. Nicholas

Cathedral of Russian Orthodox Church in North America, 344 U. S. 94 (1952) at 116:

> The opinion in Watson v. Jones radiates . . . a spirit of freedom for religious organizations, or independence from secular control or manipulation - in short, power to decide for themselves, free from state interference, matter of church government as well as those of faith and doctrine. Freedom to select a clergy, where no improper methods of choice are proven, we think, must

now be said to have federal constitutional protection as a part of the free exercise of religion against state interference.

The District Court of Appeals, Third District and the Trial Court infringed upon the free exercise of religion of the Appellants in the instant case. As the elders and governing body of their Church, they were empowered with the rule-making authority within the Churches of Christ. For the Court to invade this right, usurp the elders' authority, enter into the area of religious freedom by ordering activities contradictory to religious Church doctrine is violative of the principles of the First Amendment.

The Supreme Court of Florida has considered this question, as well. In St. John's Presbyterian v. Central Presbyterian Church of St. Petersburg, 102 So.2d 714 (Fla. 1958), the Florida Supreme Court held that, "Courts will not attempt to resolve questions of doctrine, discipline, ecclesiastical law, rule and custom of Church, even though property rights are involved, but will rely on decisions by highest ecclesiastical court."

The instant case before this Court is one of far-reaching effect and importance. Not only are the interests of the Liberty City Church of Christ involved in this matter, but members of religious organizations throughout the country will

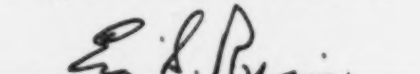
feel the effects of this decision.

CONCLUSION

Appellants urge this Court to take jurisdiction and then decide the vibrant, critical questions presented by these facts. The issues in this case touch the most delicate and personal aspects of these Appellants in particular and the people of the State of Floirda in general. They involve questions of religious freedom, of ownership and control of property; they thus involve the welfare of future generations and the spiritual and social welfare of the entire community and communities throughout the United States. It is submitted they involve the Court of the United States in that the rulings in question are invoked under the First and

Fourteenth Amendments to the United States Constitution.

Respectfully submitted,



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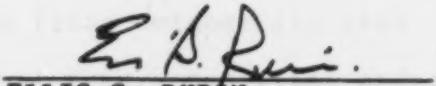
Miami, FL 33137

Telephone: 305/576-5600

CERTIFICATE OF SERVICE

I hereby certify that two copies of the foregoing brief were mailed this 13 day of February, 1984, to Mark A. Valentine, Esquire, 3050 Biscayne Boulevard, Suite 800, Miami, Florida 33137.



ELLIS S. RUBIN

APPENDIX A-1

NOT FINAL UNTIL TIME
EXPIRES TO FILE REHEARING
MOTIONS AND, IF FILED,
DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JULY TERM, A. D. 1983

CASE NO.: 83-926

MANNIE BLACK and
MOSES WILLIAMS,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

Opinion filed October 11, 1983.

An Appeal from a non-final order from the Circuit Court for Dade County,

Moie J. Tendrich, Judge.

Ellis Rubin and Laurie Bernstein, for appellants.

McCrary, Valentine & Handfield, and Mark Valentine, for appellee.

Before SCHWARTZ, C. J. and HENDRY and FERGUSON, JJ.

PER CURIAM.

Affirmed.

APPENDIX B-1

IN THE DISTRICT COURT
OF APPEAL FOR THE THIRD
DISTRICT OF FLORIDA

CASE NO.: 83-926

MOSES WILLIAMS and MANNIE
BLACK,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that MOSES WILLIAMS and MANNIE BLACK the above-named Appellants hereby appeal to the Supreme Court of the United States from a final decision of the Third District Court of

Appeal, Florida rendered on October 11, 1983 per curiam affirming the decision and Order of the Trial Court of the 11th Judicial Circuit In and For Dade County, Florida denying Plaintiff/Appellants' Motion for Injunctive Relief and directing Plaintiff/Appellants' immediate surrender of church bank accounts and ordering an election by majority vote for new elders of the instant church and for the church's minister. Rehearing was denied by Order dated November 17, 1983. A final mandate was issued on December 5, 1983.

Appellants, MOSES WILLIAMS and MANNIE BLACK, were Appellants in the Third District Court of Appeals and Plaintiffs/Counter-Defendants in the trial court. Roosevelt V. Walker was Counter-Defendant in the trial court. Appellee FREEMAN T. WYCHE was Appellee in

the lower Court and Defendant/Counter Plaintiff in the trial court. This appeal is taken pursuant to 28 USC §1257.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by mail on this 1st day of February, 1984 to: Mark A. Valentine, Esquire, 3050 Biscayne Boulevard, Suite 800, Miami, FL 33137.

ELLIS RUBIN LAW OFFICES, P. A.
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265 N. E. 26th Terrace
Miami, FL 33137
305/576-5600 (Dade)
305/524-5600 (Bwd.)

/s/ ELLIS S. RUBIN
ELLIS S. RUBIN

APPENDIX C-1

DISTRICT COURT OF APPEAL

Third District

2001 S. W. 117th Avenue

P. O. BOX 650307

MIAMI, FLORIDA 33165

Telephone 554-2900

December 5, 1983

Re: BLACK vs. WYCHE
DCA CASE NO.: 83-926

This is to advise you that the mandate in the above styled cause has been issued this date and mailed to Richard P. Brinker, Clerk of the Circuit Court of Dade County, Florida.

Very truly yours,

/s/ Louis J. Spallone
Clerk District Court of
Appeal, Third District

LJS/b

cc: Ellis Rubin; Mark Valentine

APPENDIX D-1

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JULY TERM, A. D. 1983

THURSDAY, NOVEMBER 17, 1983

CASE NO.: 83-926

MANNIE BLACK and MOSES WILLIAMS,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

Upon consideration, appellant's motion for rehearing is hereby denied.

A True Copy

ATTEST:

LOUIS J. SPALLONE

Clerk District Court of Appeal, Third District

BY: /s/ Evelyn A. Hielman
Deputy Clerk

cc: Ellis Rubin
Mark Valentine

/srb

APPENDIX E-1

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR DADE COUNTY, FLORIDA

CASE NO.: 83-11427 (12)

MANNIE BLACK and MOSES
WILLIAMS,

Plaintiffs,

vs. NOTICE OF APPEAL OF A
NON-FINAL ORDER

BROTHER FREEMAN T. WYCHE,

Defendant.

NOTICE IS GIVEN that MANNIE BLACK and MOSES WILLIAMS, Plaintiffs'/Appellants' appeal to the Third District Court of Appeals of Florida, the Order of this Court rendered on April 6, 1983. The nature of the order is a non-final order denying

Plaintiffs/Appellants' Motion For Injunctive Relief and directing Plaintiffs/Appellants' to surrender immediate possession of a checking account and money market account and ordering an election, by majority vote, by the eligible members of a recognized church, of elders of the church and who shall serve as Minister of the church; in addition, the said order denied supersedeas bond in the event of an appeal.

ELLIS RUBIN LAW OFFICES, P. A.
Counsel for Plaintiffs/Appellants
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Miami, Florida 33137
(305) 576-5600 (Dade)
(305) 524-5600 (Bwd.)

BY: /s/ ELLIS S. RUBIN
ELLIS S. RUBIN

I HEREBY CERTIFY that a true and

correct copy of the foregoing was furnished to Mark A. Valentine, Esquire, 3050 Biscayne Boulevard, Suite 800, Miami, Florida 33137 this 21st day of April, 1983.

BY: /s/ ELLIS S. RUBIN
ELLIS S. RUBIN

THE ORIGINAL FILED
IN THE OFFICE OF
RICHARD P. BRINKER
Clerk Circuit Court Dade Co. Fla.

ON APRIL 21, 1983

APPENDIX F-1

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR DADE COUNTY, FLORIDA

MOSES WILLIAMS and MANNIE
BLACK,

Plaintiffs,

vs.

BROTHER FREEMAN T. WYCHE,

Defendant.

VERIFIED COMPLAINT FOR
INJUNCTIVE RELIEF,
DECLARATORY JUDGMENT
AND DAMAGES

COMES NOW, the Plaintiffs, MOSES WILLIAMS and MANNIE BLACK, by and through their undersigned attorney and sue the Defendant, BROTHER FREEMAN T. WYCHE and for cause say as follows:

COUNT I

1. That this is an action for injunctive relief.

2. That all times material herein, Plaintiffs, MOSES WILLIAMS and MANNIE BLACK were and are residents of Dade County, over the age of 18 years and sui juris.

3. That at all times material herein, Defendant BROTHER FREEMAN T. WYCHE was and is a resident of Dade County, over the age of 18 years and sui juris.

4. That the real property referred to herein is located at 1263 N. W. 67th Street, Miami, Florida and known as the Liberty City Church of Christ; 2406 N. W. 67th Street, Miami, Florida and a parcel of real property located at 17th Avenue and 83rd Street, Miami, Florida.

5. That all the acts and/or omissions complained of herein occurred within Dade County, Florida.

6. That at all times material herein, Plaintiffs, MOSES WILLIAMS and MANNIE BLACK were employed and held the position as elders of the aforesaid Liberty City Church of Christ, Inc., for the past 30 years and at all times material herein, acted within the course and scope of their employment as the elders.

7. That on or about 1979, Plaintiffs and Defendant orally agreed to designate Defendant as Minisster of the aforesaid Liberty City Church of Christ, Inc. That pursuant to the terms of this agreement Defendant was to abide by the Church's scriptures and tenets, and the authority of the elders.

8. That at all times material herein, and pursuant to this employment

arrangement, Defendant received $550.00 per week salary, Defendant's wife received $75.00 per week for secretarial duties. Defendant received living quarters adjacent to the church and utilitites within these premises, to be paid by the church.

9. Futher, the parties agreed that in the event Defendant failed to perform his duties satisfactorily, Defendant's employment would be terminated by the elders upon three months notice, with salary continuing throughout this 90-day period.

10. That Plaintiffs complied with all conditions precedent to be performed under the terms of the agreement.

11. That on or about March 6, 1983 and after lengthy deliberations, Plaintiffs presented Defendant with a letter requesting that Defendant's employment be terminated due to unsatisfactory performance of Defendant's duties, a copy of which is attached hereto as Exhibit A.

12. That Plaintiffs provided Defendant with the required 90-day termination notice.

13. That on or about March 7, 1983, contrary to the church's doctrine, Defendant organized a meeting calling for the dismissal of the church's elders.

14. That at the aforesaid meeting

of the church, pursuant to Defendant's initiation an "illegal" vote was held, contrary to the church's doctrine, at which the elders were expelled from retaining their position at the aforesaid church.

15. That shortly thereafter, Defendant established himself as Minister of the church, removed the eldership of the church, and changed the locks of the church door; thereby rendering the church impassable by the elders and members having keys.

16. That Defendant continues to reside on the church property.

17. Further, that Defendant's daughter continues to reside at the parsonage, this being church property located at 2406 N. W. 67th Street, Miami,

Florida.

18. That the aforesaid church is the sole owner of the real property in question and record title owner of same.

19. That Defendant has no proprietary interest in and to said real property.

20. That Plaintiffs have on divers occasions spoken with Defendant and requested that Defendant return the church's property including but not limited to church buildings, furnishings, valuable paintings located within the church, and Sunday morning collections, and Defendant has neglected, failed and/or refused to do so.

21. That Defendant has refused to relinquish his post and continues to act as the Minister in defiance of the orders

of the elders, this defiance being open and notorious.

22. That Plaintiffs as elders of the aforesaid church had the power and authority to handle the financial affairs of the aforesaid church and to sign on the church's account. That by and through this authority Plaintiffs transferred the church's account, pursuant to advice of counsel, and pending the court's decision regarding this matter.

23. That unless an injunction is granted by the court herein, enjoining Defendant from operating as a Minister of the Liberty City Church of Christ, said Defendant will irreparably injure and damage the spiritual and financial well-being of the Liberty City Church.

24. Further, that said injunction is necessary to prevent Defendant from secreting, hypothecating or disposing of said church's property.

25. That Plaintiffs have no other adequate remedy at law to restrain the actions of the Defendant and to protect their property except in this Court of equity.

26. Further that Defendant's actions have caused the dis-association and severance of members of the church,

which practices are against the concepts and tenets of the church.

WHEREFORE, Plaintiffs move this Honorable Court for an order as follows:

1. That this Court has jurisdiction over the subject matter and parties herein.

2. That this Court grant Plaintiffs injunctive relief against Defendant.

3. That this Court enjoin Defendant from continuing in his position as Minister of the Liberty City Church of Christ.

4. That this Court require and order Defendant to vacate the real property as aforesaid.

5. That this Court enjoin Defendant from secreting, hypothecating

and/or disposing of all church property both temporarily and permanently.

6. Such other and further relief as this Court deems just and appropriate under the circumstances.

COUNT II

27. That this is an action for declaratory judgment.

28. That Plaintiffs reaver and reallege each and every allegation set forth in Counts 1 through and inlcuding 26 of this complaint.

29. That at all times material herein the aforesaid Liberty City Church of Christ is the true and legal title owner of certain property located at 1263 N. W. 67th Street, Miami, Florida.

30. That Defendant took possession of said property and other property

belonging to the aforesaid church and refused to vacate the said property, and/or return the church's property.

31. That Plaintiffs as elders of the aforesaid church have brought this action fearing irreparable harm and injury to the aforesaid church and dis-association and severance among its members.

32. That Plaintiffs are in doubt as to the effect of and their rights and would ask this Honorable Court for a determination of these rights; the equities favor the Plaintiffs and are against the Defendant.

33. That Plaintiffs have no adequate remedy at law to restrian the action of Defendant and to protect their property except in this Court of equity.

WHEREFORE, Plaintiffs move this Honorable Court for an order as follows:

1. That this Court has subject matter jurisdiction over the parties.

2. That Court determines the rights, duties and status of Plaintiffs.

3. That this Court enjoin Defendant from continuing in his position as Minister of the Liberty City Church of Christ.

4. That this Court require and order Defendant to vacate the real property as aforesaid.

5. That this Court enjoin Defendant from secreting, hypothecating

and/or disposing of all church property.

6. That this Court determine the rights of Plaintiffs regarding control of the church's financial matters, and retention of the church's bank accounts.

7. Such other and further relief as this Court deems just and appropriate under the circumstances, and/or in the alternative,

COUNT III

34. That this is an action for conversion.

35. That this is an action in which damages exceed $5,000.

36. That Plaintiffs reaver and reallege each and every allegation contained in paragraphs 1 through and including 33 of this Complaint.

37. That at all times material herein, Plaintiffs were and are the elders of the Liberty City Church of Christ, and at all times material herein acted within the scope and capacity of their employment as the elders.

38. That according to the tenet of the aforesaid Church, Plaintiffs had the duty to appoint a Minister to preside over the aforesaid Church.

39. That Plaintiffs' duties included dismissing the Minister in the event he performed his duties unsatisfactorily.

40. That Defendant acting as Minister of the aforesaid Church failed to perform his duties satisfactorily and was thereby dismissed from his employment at the Church on or about early March of 1983.

41. That Defendant was requested to leave the adjacent living quarters which were provided to Defendant for his use only in his capacity as Minister.

42. That Defendant unlawfully, maliciously and wantonly changed the locks on the Church building, thereby converting to his own use the aforesaid Church building and residence.

43. That Defendant had unlawfully converted to his own use the contents of the Church building, the living quarters adjacent to the Church building, Sunday morning collection monies and other Church properties.

44. That Plaintiffs have protested the removal of the Church property, but Defendant has neglected, failed and/or refused to return said property to the

congregation.

45. That as a direct and proximate result of the wrongful acts of Defendant, Plaintiffs have been deprived of their position as elders of the Church; the Church's property including Church buildings, bank accounts, valuable paintings and Sunday morning collection moies have been retained by Defendant, the Church members have become dis-associated and, in addition, Defendant has prevented members from entering onto the Church premises due to a new lock.

WHEREFORE, Plaintiffs MANNIE BLACK and MOSES WILLIAMS, by and through their undersigned attorney sue the Defendant for damages in excess of $5,000, for costs interest and any and all other relief which this Court deems just and

appropriate and demands trial by Judge on all issues triable by Judge.

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(305) 576-5600

BY: /s/ ELLIS S. RUBIN
Ellis S. Rubin, Esquire

/s/ Mannie Black
MANNIE BLACK

/s/ MOSES WILLIAMS
MOSES WILLIAMS

STATE OF FLORIDA)
)SS
COUNTY OF DADE)

BEFORE ME the undersigned authority, personally appeared, MANNIE BLACK and MOSES WILLIAMS who after being duly sworn deposes and states that the foregoing is true and correct.

/s/ Patricia R. Rand
NOTARY PUBLIC
State of Florida
March 31, 1983

My commission expires:

Notary Public State of Florida
at Large My Commission Expires
Apr. 19, 1984 Bonded thru General
Ins. Underwriters

App. F-20

Miami, Florida

February 27, 1983

Bro. Freeman T. Wyche
1295 N. W. 67th Street
Miami, Florida

Re: Freeman T. Wyche

Dear Bro. Wyche:

We the elders of the Liberty City Church of Christ, met on February twenty-third, (23rd) 1983. And at that time decided that your services as minister of this congregation would no longer be desired, and that, as of March 1st, 1983, you are hereby given three months notice, (until May 31st) to relocate your residency.

It was further agreed, that we will continue your present salary, as is, until May 31st 1983, and at that time, your ser-

vices here at the, Liberty City Church of Christ will be terminated.

Sincerely, the elders of L.C.C.C.

/s/ Moses Williams
Moses Williams

/s/ Mannie Black
Mannie Black

/s/ Henderson Beasley
Henderson Beasley

MW/MB/HB.

:paj

83-1434

Office - Supreme Court, U.S.
FILED
MAR 19 1984
ALEXANDER L. STEVAS,
CLERK

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1983

CASE NUMBER: 83-1433

MOSES WILLIAMS and MANNIE BLACK, Apellants

vs.

BROTHER FREEMAN T. WYCHE, Appellee

ON APPEAL FROM THE DISTRICT COURT OF APPEAL
FOR THE THIRD DISTRICT OF FLORIDA

APPELLEE BRIEF

JESSE J. McCRARY, JR., ESQ.
ATTORNEY FOR APPELLEE

LAW OFFICES
McCRARY and VALENTINE
3050 Biscayne Boulevard
Suite 800
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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
QUESTION PRESENTED	1
STATEMENT OF THE CASE	2
ARGUMENT	4
CONCLUSION	8
APPENDIX A	10

TABLE OF AUTHORITIES

Page

I. CASES

Durley v. Mayo, 351 U.S. 277 (1956) 4

Jones v. Wolf, 443 U.S. 595 (1979) 6, 7

Maryland and Virginia Eldership of the Churches of God v. Church of God at Sharpsburg, Inc., 396 U.S. 367 (1970) 4, 5

Presbyterian Church in the United States v. Mary Blue Hull Memorial Presbyterian Church, 393 U.S. 440 (1969) 6

Synanon Foundation, Inc. v. California, 444 U.S. 1307 (1979) 5

II. CONSTITUTIONAL PROVISIONS

First Amendment of the United States 1, 3, 4
Constitution, As Amended 5, 6, 8

Fourteenth Amendment of the United States .. 1, 3, 4
Constitution, As Amended 5, 6, 8

III. STATUTORY PROVISIONS

Title 28, United States Code, Section 1257 ... 3

QUESTION PRESENTED

WHETHER THE FIRST AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION PROHIBITED THE DISTRICT COURT OF APPEALS FOR THE UNITED DISTRICT OF FLORIDA FROM RESOLVING A CHURCH PROPERTY DISPUTE.

STATEMENT OF THE CASE

On March 31, 1983, Appellants filed a Verified Complaint for Injunctive Relief, Declaratory Judgment and Damages. On April 4, 1983, the Appellee filed a Sworn Counterclaim for Injunction and Other Relief (Apendix A). An Emergency Hearing on the respective parties Motion for Preliminary Injunction was held at which time the Trial Court ordered the Appellants to release all church property. The Trial Court also ordered an election of Elders of the church, by majority of the eligible members of the LIBERTY CITY CHURCH OF CHRIST, and to determine who would serve as Minister. Consistent with the Court's Order a meeting was held, following notice to all members, in which the majority of the Church membership sustained its original decision to retail the Appellee/Minister and to dismiss Appellants/ Elders.

The principals in the case at bar serve in their respective positions as servants of the LIBERTY CITY CHURCH OF CHRIST and its membership. The LIBERTY CITY CHURCH OF CHRIST is not governed by a "Mother Church" and as such is an independent Church body. The phrase "Church of Christ" represents a commonality between countless independent churches that recognize the doctrine taught by the New Testament of the "Church of Christ." Any individual, whether Elder, Minister, or otherwise, serving in an authoritative or representative capacity is appointed to such position by the majority of the respective Church of Christ. Consequently any removal from such a position is dictated by the majority membership. The Elders do not in and among themselves constitute a "rule making body." The Rules of Order are dictated by the New Testament of the Church of Christ and are implemented by the Minister and Elders conditioned on the approval or disapproval of the church membership represented by a majority voice.

This case arose through a dispute between Appellants, former Elders of the Church, and Appellee, the Minister. The

Elders attempted to terminate the Minister. The Minister's continued employment was predicated on the action by the majority of the Church members. The action of the membership was voiced through the Elders, whose appointment and tenure was predicated on the voice of the majority of the church membership. Consequently, the Elders of the Church were not empowered with unilateral authority to terminate the Appellee. Thus any attempt by the Appellants to terminate the Minister without majority membership approval was without effect.

Action was taken by the Minister and the members of the Church to dismiss the Appellants as Elders of the Church at a regularly scheduled meeting on March 8, 1983. The Appellee was retained as the Minister. The Appellee and his family have continued to reside in the Church's parsonage, pursuant to his tenure as Minister. The request by the Appellants to remove the Appellee from the parsonage was ultra vires in nature and without consent of the majority of the Church members. Furthermore, any action taken by or against the Appellee, with respect to the issuer herein, was imputed to his family.

Any and all authority granted to the Appellants as Elders of the Church to handle the Church's financial affairs was subject to majority control. Consequently, the Appellants were without unilateral authority to handle those affairs as they saw fit. When the Church members removed the Appellants as Elders of the Church, any and all authority over the financial affairs by the Elders was also taken from them.

The District Court of Appeal for the Third District of Florida affirmed the Trial Court's decision in favor of the Appellee per curiam. The Appellants are now seeking review of this decision by the United States Supreme Court by asserting that this Court has jurisdiction over this matter invoked under Title 28, United States Code, Section 28. Appellants alleged that the Trial Court's Order is a violation of the First and Fourteenth Amendments to the United States Constitution, as amended. The issues herein clearly do not represent disputes over religious principles or deprivation of any allege property rights of the Appellants.

ARGUMENT

THE STANDARD OF REVIEW BY THE UNITED STATES COURT IS THE NECESSITY OF A FEDERAL QUESTION.

In order to have the United States Supreme Court review a decision, a Federal question must be presented. *Durley v. Mayo*, 351 U.S. 277 (1956). The Appellants have asserted that a Federal question has been presented because the District Court violated the First and Fourteenth Amendments to the United States Constitution by resolving the Church's property dispute. The Federal question must be presented in the State Court in order to preserve it for review. *Durley, supra.* The Appellants did not present the violation of the First and Fourteenth Amendments at the State Court level. Therefore, Appellants have not preserved a Federal question for review by this Court.

In resolving the Church property dispute between Appellants, the Elders, and Appellee, the Minister representing the majority of Church members, State law governing the holding of property by religious organizations, the terms of the Charter of the corporation, and the provisions pertinent to ownership and control of Church property are the provisions which must be relied upon in the State Court. *Maryland and Virginia Eldership of the Churches of God v. Church of God at Sharpsburg, Inc.*, 396 U.S. 367 (1970). The case at bar was decided according to the State law governing the holding of property by religious organizations since the Church did not have Articles of Incorporation which would set out provisions regarding the ownership and control of the Church's property. The State Court's resolution of the Church's property dispute did not involve any inquiry into religious doctrine nor deprive the Appellants of the Church's property and more importantly of any property right that they may have owned in violation of the First and Fourteenth Amendments of the United States Constitution. As a matter of fact, all property involved herein is still owned by the LIBERTY CITY CHURCH OF CHRIST and not by the Appellants or

Appellee. There is a want of a substantial Federal question and the appeal should be dismissed. *Id.* at 368.

THE ORDER WAS ISSUED ACCORDING TO NEUTRAL PRINCIPLES OF STATE PROPERTY LAW.

Appellants are now attempting to argue that the State Courts had no jurisdiction over this case. The Appellants were the Plaintiffs in the initial cause of action. The Appellants initiated the action herein by filing the Verified Complaint for Injunctive Relief, Declaratory Judgment and Damages in the Eleventh Judicial Circuit In and For Dade County, Florida. This case was not dismissed at the trial court level.

In *Synanon Foundation, Inc. v. California*, 444 U.S. 1307 (1979), Justice Rehnquist stated that state courts could resolve property disputes in which hierarchial church organizations were involved in accordance with neutral principles of state property law. This case dealt with the Appellant's assertion that they as a church, were entitled to different treatment under the First and Fourteenth Amendments to the United States Constitution. The case at bar involves resolutions of the Church's property dispute between the Appellants, Elders who have asserted that they are the hierarchy of this Church and the Appellee, the Minister who represents the Church's members. To the contrary, the Appellants do not constitute the hierarchy of the Church. They are not cloth with any mystical or unilateral authority.

The District Court affirmed the Trial Court's Order per curiam. The Order was executed by the majority vote of the Church's members. The members elected to retain the Appellee as Minister and to remove the Appellants as the Elders of the Church. This Order was issued according to neutral principles of Florida's property law.

THE STATE HAS A LEGITIMATE INTEREST IN RESOLVING THE CHURCH'S PROPERTY DISPUTE AND A CIVIL COURT IS A PROPER FORUM FOR RESOLUTION OF PROPERTY DISPUTES.

The majority of cases that have considered the question of whether civil courts, consistent with the First and Fourteenth Amendments to the United States, may resolve property disputes on the basis of neutral principles of law have been cases involving local churches affiliated with a hierarchial church organization. The approach to church property litigation has evolved in response to *Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S. 440 (1969). That case involved a property dispute between a national Presbyterian orgnization and local churches of that organization. On remand, the Court adopted what is now known as the neutral principal of law method for resolving church property disputes. The court examined the deeds of the property in question, as well as all documents relating to the matter, and awarded the property on the basis of legal title.

The property involved in the case at bar is the Church's finances and parsonage and not any property interest of the Appellant. The Appellants, as the Elders, were entrusted in their position to be responsible for the church's funds. The parsonage is the home of the Minister, Appellee, during his tenure with the Church. the majority of the Church's members voted to remove the Appellants as the Elders and to retain the Appellee as the Minister. This indicates a presumptive rule of majority representation.

In *Jones v. Wolf*, 443 U.S. 595 (1979), there was a church property dispute arising from a schism in a local church affiliated with a heirarchial church organization in which the United States Supreme Court remanded the case for further proceedings where both the state trial court and the state's highest court in reaching their decision in favor of the majority faction, applied a neutral principles of law approach which was developed in cases involving property disputes, without alluding to the fact that the

the local church itself was divided into factions. In the case at bar, both the state trial court and the state's appellate court are cognizant of the fact that the church is split into two factions because of nature in which the case arose. The Appellants, as the Elders, are attempting to control the Church's property even though the majority of the Church's members, represented by the Appellee voted to remove the Elders from their position. The substance of the dispute herein does not focus on a religious issue, but a simple issue of control of property owned as an independent church body. The state's adopted presumptive rule of majority representation is consistent with both the First Amendment and the neutral principles analysis. *Jones*, supra.

CONCLUSION

The Court should disregard the Appellants' attempt to cloud the issues by characterizing the dispute as one over religious doctrine and property ownership. The true issue is whether the majority of the members of the LIBERTY CITY CHURCH OF CHRIST have the right to decide who is authorized to implement the doctrine of the Church, oversee its daily operation and to be entrusted with the fiduciary responsbility of protecting Church owned property.

This case should be dismissed for want of a substantial Federal question which the Appelants did not preserve in the State Courts. Furthermore, the District Court of Appeal for the Third District of Florida applied the neutral principles of law analysis which was consistent with the First and Fourteenth Amendments to the United States Constitution.

Respectfully submitted,

LAW OFFICES
McCRARY AND VALENTINE

BY _____
JESSE J. McCRARY, ESQ.
Attorney for Appellee

3050 Biscayne Boulevard
Suite 800
Miami, Florida 33137-4198
(305) 576-1500

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that three (3) copies of the foregoing Brief was mailed to: ELLIS S. RUBIN, ESQ., Attorney for Appellants, 265 N.E. 26 Terrace, Miami, Florida 33137 this 16 day of March, 1984.

BY _____
JESSE J. McCRARY, JR., ESQ.

APPENDIX A

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

CASE NUMBER: 83-11427

MANNIE BLACK, Plaintiff MOSES WILLIAMS, R. V. WALKER, and COMPANY, Counter/Defendants vs. MINISTER FREEMAN T. WYCHE, Defendant MINISTER FREEMAN T. WYCHE On Behalf of LIBERTY CITY CHURCH OF CHRIST, Counter/Plaintiff.	SWORN COUNTER-CLAIM FOR INJUNCTIVE AND OTHER RELIEF

COMES NOW, the Defendant/Counter-Defendant, MINISTER FREEMAN T. WYCHE, on behalf of LIBERTY CITY CHURCH OF CHRIST, by and through its undersigned Attorney and files this its Sworn Counter-Claim for Injunction and Other Relief against Counter-Plaintiffs, MOSES WILLIAMS, R. V. WALKER and COMMERCIAL BANK AND TRUST COMPANY and alleges:

GENERAL ALLEGATIONS

(1) That the LIBERTY CITY CHURCH OF CHRIST is a

non-profit entity doing business at 1263 N.W. 67 Street, Miami Dade County, Florida (hereinafter referred to as "Church"). MINISTER FREEMAN T. WYCHE is the Minister of said Church and its Chief Operating Officer.

(2) That the COMMERCIAL BANK AND TRUST COMPANY is a Florida Banking Institution incorporated under Florida Law and is doing business in Dade County, Florida at 9301 N.W. 7 Avenue, Miami, Florida (hereinafter referred to as "Bank").

(3) That MOSES WILLIAMS is a resident of Miami, Dade County, Florida and over the age of eighteen (18) years and sui juris.

(4) That R. V. WALKER is a resident of Opa Locka, Dade County, Florida and over the age of eighteen (18) years and sui juris.

(5) That MOSES WILLIAMS serves in the capacity as Treasurer of the Church and R. V. WALKER serves in the capacity as Secretary.

(6) That the Church maintained a checking account with the Bank, account number 000-6950-000 (hereinafter referred to as "Account").

(7) That R. V. WALKER and MOSES WILLIAMS were given the fiduciary responsibility, exclusive of other members of the Church or any other individual, the authority to endorse all checks issued on the Church Account specified herein and to handle other Church financial matters such as savings, Certificate of Deposits and authority of bookkeeping, etc.

(8) That on or about March 10, 1983, R. V. WALKER and MOSES WILLIAMS signed a check on the Account herein in the amount of SEVENTEEN THOUSAND EIGHT HUNDRED FIFTY-FIVE DOLLARS AND EIGHTY-EIGHT ($17,855.88) CENTS. Said check was paid to the order of LIBERTY CITY CHURCH OF CHRIST and was withdrawn from the Account for the specific purposes of closing the same.

(9) That MINISTER FREEMAN T. WYCHE discovered that the Church Account had been closed on March 16, 1983, which was further confirmed by the Bank Statement dated March 11, 1983.

(10) That R. V. WALKER and MOSES WILLIAMS unlawfully and maliciously closed said Account without the expressed or implied consent of MINISTER WYCHE or by any other resolution of the members of the Church.

(11) That MINISTER WYCHE immediately approached MOSES WILLIAMS AND R. V. WALKER to determine why said Account had been closed and as to the whereabouts of the funds deposited therein.

(12) That after failing to get an adequate response from R. V. WALKER and MOSES WILLIAMS as to why said Account had been closed, MINISTER WYCHE was informed, however, that the funds had been transferred to the individual account of MOSES WILLIAMS and R. V. WALKER located at the Bank.

(13) That an official at the Bank informed MINISTER WYCHE that the Church funds had in fact been closed. The Bank official failed to provide MINISTER WYCHE with further information on the grounds that MOSES WILLIAMS, R. V. WALKER, and G. MANNIE BLACK were the only individuals authorized to endorse the Church's checks at the Bank and otherwise handle the Church's Account or that MINISTER WYCHE was not an authorized individual to sign on the Account.

(14) The Church passed a resolution authorizing new individuals to endorse and execute on a new account to be established by the Church at the Bank and tendered the same to an official of the Bank; however the Bank has refused to accept said resolution on the grounds that the Account was closed.

(15) That personal demand and mail demand by certified receipt has been served on R. V. WALKER and MOSES WILLIAMS, requesting that they return the subject funds to the Church's account and/or to MINISTER WYCHE; however, to date they have refused the Church's request.

(16) That the Bank by refusing to provide the Church with adequate information to determine the specific account in which the funds are deposited, to disclose the amount of said funds, and additional other pertinent information concerning said funds, continues to assist the Counter-Defendants, R. V.

WALKER and MOSES WILLIAMS, in the continued unlawful conversion of the Church's funds.

(17) That in addition to the Checking Account mentioned herein, Counter/Defendant, R. V. WALKER and MOSES WILLIAMS are also responsible for the Certificates of Deposit (hereinafter referred to as "C.Ds.") that are located at the Bank. Said C.Ds. are believed to total an approximate amount of TWELVE THOUSAND ($12,000.00) DOLLARS.

(18) That despite numerous requests by MINISTER WYCHE on behalf of the Church, the Defendants, R. V. WALKER and MOSES WILLIAMS have failed to disclose with respect to the amount and any other pertinent information concerning said C.Ds.

(19) That the Church has reason to believe that said C.Ds. have been unlawfully converted to the account of R. V. WALKER and MOSES WILLIAMS, or otherwise misappropriated from the Church's C.Ds. account by R. V. WALKER and MOSES WILLIAMS.

COUNT I — INJUNCTION

(20) That this is an action for Injunctive Relief.

(21) That Defendant/Counter-Plaintiff adopts and realleges the allegations contained in Paragraphs One (1) through Twenty (20).

(22) That the Church has continued to incur debts and other obligations that cannot be satisfied due to the closing of the Church's Checking Account and the unauthorized transferring of said funds therein by the Counter-Defendants herein and the failure of the Counter-Defendants to disclose any information concerning the Certificates of Deposit.

(23) That the Church believes that the Counter-Defendants will continue to dissipate the Church's funds, unless immediate action is taken to demand the return of the subject funds and accounting of the same.

(24) That unless said funds are returned immediately to the Church and an immediate accounting of the same is made, it will suffer irreparable loss and damages and may be forced to close its doors.

(25) That the Plaintiff is currently suffering irreparable loss and damages

(26) That there is absolutely no adequate remedy of law for which the Church can avail itself to.

(27) That Counter-Plaintiff request a Temporary Restraining Order be issued against the Counter-Defendants, COMMERCIAL BANK AND TRUST COMPANY, R. V. WALKER and MOSES WILLIAMS, without Notice enjoining from releasing, transferring or otherwise disposing of funds, which funds are currently in Counter-Defendants' possession.

If Counter-Plaintiff is required to give Notice of Application for said Temporary Restraining Order, it would cause a delay, Plaintiff will continue to suffer the irreparable damages stated herein.

(28) That Counter-Plaintiff has retained the firm of JESSEE J. McCRARY, JR., P.A. to represent it in this matter and has agreed to pay the firm a reasonable attorney's fee. Plaintiff is entitled to attorney's fee consistent with Florida Statute 57.105.

WHEREFORE, Defendants/Counter-Plaintiff prays as follows:

(a) That a Temporary Restraining Order be issued without Notice restraining the Counter-Defendants, COMMERCIAL BANK AND TRUST COMPANY, R. V. WALKER and MOSES WILLIAMS from releasing, transferring or otherwise disbursing Church funds detailed herein.

(b) That a hearing be had forthwith in Plaintiff's Application for a Preliminary Injunction.

(c) That a Preliminary Injunction be issued enjoining Counter-Defendants, COMMERCIAL BANK AND TRUST COMPANY, R. V. WALKER and MOSES WILLIAMS from releasing, transferring or otherwise disbursing Church funds to individuals not authorized by the Church.

(d) That on final hearing, Counter-Defendants, COMMERCIAL BANK AND TRUST COMPANY, R. V. WALKER and MOSES WILLIAMS be enjoined from releasing, transferring or otherwise disbursing Church funds to individuals not authorized by the Church.

(e) That damages, both compensatory and punitive, be assessed against Counter-Defendants, COMMERCIAL BANK AND TRUST COMPANY, R. V. WALKER and MOSES WILLIAMS for all damages caused by Defendants' actions.

(f) That Counter-Plaintiff be awarded damages as aforesaid, interest, costs and attorney's fees.

(g) That this Court order such additional relief as may be just and equitable.

COUNT II — CONVERSION

(29) This is an action for conversion and damages in excess of FIVE THOUSAND ($5,000.00) DOLLARS.

(30) Plaintiff adopts and re-alleges the allegations contained in Paragraphs One (1) through Twenty-Nine (29) and further alleges:

(31) That the acts complained of in the Complaint herein constitute conversion for which the Defendants, COMMERCIAL BANK AND TRUST COMPANY, R. V. WALKER and MOSES WILLIAMS are responsible for damages caused by their action.

WHEREFORE, Counter-Plaintiff prays:

(a) That damages, both compensatory and punitive, be assessed against the Defendants for all damages caused by Defendants' actions.

(b) That Counter-Plaintiff be awarded damages as foresaid, interest, cost and attorney's fees.

(c) That this Court order such additional relief as may be just and equitable.

COUNT III — ACCOUNTING

(32) That this is an action for accounting as to all Church funds and financial matters for which the Counter-Defendants, R. V. WALKER and MOSES WILLIAMS are privity to or otherwise have control and authority over with damages in excess of FIVE THOUSAND ($5,000.00) DOLLARS.

(33) Counter-Plaintiff adopts and re-alleges the allegations contained in Paragraphs One (1) through Thirty-Two (32) and further alleges:

(34) That in addition to checking account and Certificates

of Deposit mentioned herein, the Counter-Defendants, R. V. WALKER and MOSES WILLIAMS held a fiduciary responsibility to maintain the Church's financial records.

(35) That despite many requests by the Counter-Plaintiffs to the Counter-Defendants, R. V. WALKER and MOSES WILLIAMS to release the financial record and to otherwise disclose information in said records, the Counter-Defendants, R. V. WALKER and MOSES WILLIAMS have failed to disclose said information.

(36) The exact amount contained in the financial records or other information contained therein is unknown to the Plaintiff and cannot be stated herein, that the transactions contained in said records are so voluminous that a correct amount or statement of the nature of the information contained therein cannot be ascertained without an accounting.

WHEREFORE, Counter-Plaintiff prays that:

(a) That the Counter-Defendants, R. V. WALKER and MOSES WILLIAMS be compelled to account for all transactions for which they are responsible as alleged herein.

(b) That said Counter-Defendants be ordered to pay the amount to be due from the Counter-Defendants to the Counter-Plaintiff as a result of the account, including interest.

(c) That Counter-Plaintiff be awarded cost and attorney's fees.

(d) That this Court order such additional relief as may be just and equitable.

MINISTER FREEMAN T. WYCHE

STATE OF FLORIDA)
COUNTY OF DADE) SS

BEFORE ME, the undersigned authority, personally appeared MINISTER FREEMAN T. WYCHE, to me well known to be the person described in and who executed the foregoing Sworn Complaint for Injunction and Other Relief, who, upon first duly sworn, deposes and states that he has read the foregoing Sworn Complaint, that the allegations therein are true and correct and that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal at Miami, said County and State, this _____ day of April, 1983.

_____
NOTARY PUBLIC, State of Florida
at Large

My commission expires:

THE UNDERSIGNED Attorney hereby certifies that two (2) copies of the foregoing brief were mailed this _____ day of March, 1984 to ELLIS J. RUBIN, ESQ., 265 N.E. 26 Terrace, Miami, Florida 33137.

Respectfully submitted,

LAW OFFICES
McCRARY AND VALENTINE

BY _____
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